

REMARKS

Claims 22-24, 26-27, 29-31 and 33 are pending in the present application, claim 25 having been canceled herein. The Office Action and cited references have been considered. Favorable reconsideration is respectfully requested.

Claim 33 was objected to as having several informalities that have been corrected in the amendment of claim 33.

Claims 22-27, 29-31 and 33 were rejected under 35 U.S.C. §112, second paragraph. Independent claims 27 and 33 included the limitation that the cap was latched to a recess in the extended shank region of the key and the examiner objected to such language because the claims fail "to disclose any structural components that would "latch" the key and cap together". To advance prosecution, and without conceding the merits of the rejection, those limitations have been deleted from claims 27 and 33. It is to be noted that one of ordinary skill in the art would know how such latching could occur by various old and well known methods. Withdrawal of this rejection in view thereof is respectfully requested.

Further it was unclear to the examiner regarding claim 27 how the second antenna "is engaged over the at least one second storage module". To advance prosecution, claim 27 has been further amended to delete such language and the rejection is now overcome. Withdrawal of this rejection is also respectfully requested.

Claim 27 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Lerchner et al in view of Luling et al, Bishop et al, Tanaka et al and Levine et al and claims 22-26, 29-31 and 33 were rejected under 35 U.S.C. § 103 as being

unpatentable over Lerchner et al in view of Luling et al, Bishop et al, Tanaka et al, Levine et al, DiVito et al and Flies (previously of record but not mentioned in the paragraph 10) of the Office action; it is used in the body of the rejection). These rejections are respectfully traversed for the following reasons.

Claim 27 recites a security key for an electronic locking device having a mechanical part with a shank and control areas, an extended shank region having a recess in which a first data storage module is inserted, a cap formed as a unit engageable over upper and lower sides of the mechanical part and the extended shank region, a second storage module with an antenna having a different frequency than the first module, first and second slots in the cap which communicate with a chamber within the cap, a pocket recessed in a wall of the chamber, and the second storage module is located in the pocket when the cap is fitted to and abuts against the mechanical part.

The 103 rejection of claim 27 uses Lerchner, which discloses an electronic locking device having a security key 2 that includes a data storage module 20. The Lerchner key has a mechanical part with a shank 5 and extended shank region. The shank has control areas and the extended shank region has a recess 25 in which the module 20 is engaged. Luling (misspelled Luelling in the Office action) was alleged to teach a security key having second storage module 8 operating at a different frequency than its first storage module 7. The Action concludes that it would have been obvious to provide Lerchner with a second storage module operating at a different frequency. This combination was then modified further to include a cap with slots to protect the key as taught by Bishop. Further, the examiner used Tanaka et al to teach providing a pocket

in the cap to receive an electronic component. Finally this combination was further modified by Levine et al to provide a latch on the cap engaging a recess in the key.

Assuming for the sake of argument only, that it would have been obvious to provide the key of Lerchner with another data storage module as taught by Luling, for instance located at the area 25' of Lerchner, and to use a cap having slots therein to protect the key as taught by Bishop et al, there would still be no reason to further modify this combination to provide a pocket in the cap to house the second storage module as allegedly taught by Tanaka. This is because the key of Lerchner includes a groove 3 all the way around the key into which the carrier 13 is inserted. The flat outer faces of the key are solid. If a cap were utilized to protect the key it would have the same configuration as that of the key, *i.e.*, flat inside surfaces contacting the outer surfaces of the key. There would be no reason to provide such cap with a pocket to house a data storage module since that module would already be housed within the carrier 13 that is located in the groove 3 of Lerchner. Claims 27 and 33 thus are allowable over the prior art.

With further respect to claim 33, the examiner alleges that it would have also been obvious to provide the recess that houses the first module along the axis of the key as taught by Flies and to provide control bores on the flank of the modified key of Lerchner as taught by DiVito.

Claim 33 has been further amended to include the limitations of claim 25 relating to the milled section (14) and the recess (15) into which the antenna (7a) is inserted with the antenna abutting the side edge of the extended flank region, see Figs.

1, 2 and 4 of the present application, and page 5, lines 8-15 of the specification. This has the advantage that the antenna 7a is as close as possible to the antenna of the mechatronic cylinder after the shank is inserted into the corresponding keyway. In the device of Lerchner, the antenna 22 is disposed within the recess 3 but this recess is not a milled section of a side edge of the extended shank region into which the antenna 22 is fixed. The antenna 22 is fixed in and with the carrier 13 that is fixed to the key 2. The antenna according to the present application is fixed and disposed within the extended shank region and therefore within the metal security key and abuts the side edge of the extended flank region. The antenna can therefore be placed nearer to the antenna of the cylinder. For at least these reasons, claim 33 is believed to be patentable over the cited art.

For at least these reasons, Applicant respectfully submits that claims 27 and 33 are patentable over the prior art of record whether taken alone or in combination as proposed in the Office Action. Further, Applicant respectfully submits that claims 22-24, 26 and 29-31 are also patentable in and of themselves and as they depend from and include the limitations of claims 27 and 33, which are patentable for the reasons discussed above.

In view of the above amendment and remarks, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections of record. Applicant submits that the application is in condition for allowance and early notice to this effect is most earnestly solicited.

Appln. No. 10/541,069
Amdt. dated August 25, 2009
Reply to Office action of April 28, 2009

If the Examiner has any questions, he is invited to contact the undersigned
at 202-628-5197.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By /Ronni S. Jillions/
Ronni S. Jillions
Registration No. 31,979

RSJ:JMJ:me
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\bn\I\Ile\Keller17\pto\2009-08-25Amendment.doc